June 08, 2016

Sent via Certified Mail and Emailed Electronic PDF Format

Ms. Tracy L. Wood, P.E., WWEB NHDES Water Division PO Box 95 Concord, NH 03302-0095

Re:

NPDES Permit No. NH0100200

Administrative Order By Consent No. 15-020 WD

Town of Newport Wastewater Treatment Plant Upgrade

Quarterly Report

Dear Ms. Wood:

As required by the NHDES Administrative Order by Consent (AOC) (No. 15-020 WD), please find the following quarterly report on the status of the Town's Wastewater Treatment Facility Upgrade for the April through June 2016 period.

Phosphorous Removal—status of work towards compliance with permit The Town's consultant, Fuss & O'Neill, along with their subcontractor Stantec, conducted two (2) workshops with the Town to discuss phosphorous removal technologies. At the second workshop on June 16, 2016, the Town learned the project was behind schedule. Please find enclosed a letter from Fuss & O'Neill Project Manager Jeffrey McDonald, P.E. dated July 05, 2016, providing the project's status with regard to schedule.

The Town will keep the NHDES and EPA apprised of the situation and any significant events relative to project status when more substantial information is known.

Ms. Tracy Wood, Administrator NH DES Wastewater Division WWTP Phosphorus Removal Upgrade (AOC No. 15-020 WD)

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If you need further information or have any questions, please call me at (603) 863-3650.

Respectfully. Larry Wiggins, P.E. Public Works Director Town of Newport, NH cc: Joy Hilton (USEPA Region 1 - New England, 5 Post Office Square, Suite 100, Mail Code OES04-3, Boston, MA 02109-3912) (w/atts) EPA FAX - 617-918-0877 USEPA - CERTIFIED MAIL: _____ 7015-1520-0000-6216-0282_ S. O'Keefe, Town Manager (w/atts) P. Brown, Finance Director (w/atts) A. Greenleaf, Wastewater Treatment Plant Superintendent (w/atts) B. Hilliard, (NHDES, 29 Hazen Drive, PO Box 95, Concord, NH 03302-0095) (w/atts) A. Fulton (Gardner Fulton & Waugh PLLC - 78 Bank Street, Lebanon, NH 03766-1727) (w/atts) J. McDonald (Fuss & O'Neill - 146 Hartford Rd., Manchester, CT 06040) (w/atts) V. Lloyd (Fuss & O'Neill - 146 Hartford Rd., Manchester, CT 06040) (w/atts) PWD File Copy (w/atts) NHDES - CERTIFIED MAIL: 7015-1520-0000-6216-0299

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July 5, 2016

Larry Wiggins, P.E.
Public Works Director
Public Works Department
15 Sunapee Street
Newport, NH 003773

RE:

Phosphorus Removal Upgrade Facilities Plan Fuss & O'Neill PIN 20141185.B10

Dear Mr. Wiggins:

As reported in our last workshop meeting held on June 16, 2016, the project is behind schedule as a result of a delay in obtaining future discharge permit limits from EPA. At present we estimate that we are two (2) months behind schedule. A meeting is scheduled for July 27th with the Town of Newport, NHDES and EPA that should enable us to determine an updated schedule.

The delay is not the result of the actions (or inaction) of either the Town or Fuss & O'Neill, but rather due to the emergence of a new issue by EPA. Newport's NPDES Permit NH0100200 expired in 2012. Present and Proposed Permit Limits were requested from EPA Region I as one of the first project tasks. Calls and email Communication attempts were made to EPA on February 17, 2016, March 16, 2016, and May 05, 2016.

Contact was made by phone on May 10, 2016 with Ellen Weitzler, Chief Municipal Permits Section, EPA Region 1 and this call was reported at the Initial Alternatives Workshop held on May 11, 2016. Ellen Weitzler reported that Phosphorus limits for Newport would be recalculated based on updated stream dilution factors. At that time it was anticipated that the new permit for Newport would include language to optimize Nitrogen removal through operational means.

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Ellen Weitzler arranged for a follow-up conference call with Michele Barden, EPA Permit Writer. In a phone call on June 1, 2016, Michele Barden indicated new conditions: that the dilution factor for the Sugar River has been reduced, resulting in a probable future Phosphorus limit of 0.38 mg/l, from the current 0.42 mg/l. We discussed setting a mass limit versus a concentration limit, and Michele indicated they can consider setting a mass loading. She had also indicated that the Newport permit has been a low priority and was not aware of the facility planning.

Michele responded further by email on June 09, 2016, with a potential and significant change in Nitrogen limits due to new interpretation of the Long Island Sound (LIS) TMDL: to quote her email:



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'The Newport language will likely include language that the LIS TMDL is being re-evaluate/updated and that an effluent limitation of 8 mg/l total nitrogen is likely. We have yet to finalize the language but this is along the lines of something we are proposing for another permit that is further along in the permitting process."

The Administrative Order by Consent (AOC) did not address Nitrogen discharge requirements. This is a substantive change. In our opinion the future limits need better definition to avoid unplanned additional costs to comply. This item will be discussed at the July 27th meeting with NHDES and EPA, as well as the impact to schedule. Clearly this is a changed condition which needs to be further developed to fully understand the overall schedule implications.

Sincerely,

Jeffrey McDonald, P.E.

Project Manager

c: Shane O'Keefe, Town Manager File